

CJ-2021-4852
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**IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA**

**FILED IN DISTRICT COURT
OKLAHOMA COUNTY**

NOV 10 2021

RICK WARREN
COURT CLERK

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RUBERY ARREAGA,)
ELLBA RODAS MAZARIGOS,)
ERICA BARRIOS ARREAGA, Individually)
and as Natural Parent of J.S, a minor child,)
ALEXANDER SALVATIERRA, Individually)
and as Natural Parent of A.S, a minor child, and)
D.S., a minor child,)

Plaintiffs,)

v.)

MACIE SOBCZAK, and LINTRANS, INC.,)

Defendants.)

CJ-2021-4852
Case No.

PETITION

COMES NOW the Plaintiffs, RUBERY ARREAGA, ELLBA RODAS MAZARIGOS, ERICA BARRIOS ARREAGA, individually, and as natural parent and next friend of J.S., a minor child, ALEXANDER SALVATIERRA, individually, and as natural parent and next friend of A.S., a minor child, and D.S., a minor child, (hereinafter referred to as "Plaintiffs") by and through their attorneys of record, James J. Taylor, Kevin S. Locke, Thomas B. Corbin, and Lynn L. Williams of the firm Taylor, Lucas, Locke & Corbin, and for their causes of action against the Defendant, Macie Sobczak, (hereinafter "Defendant Sobczak"), and Defendant, LINTRANS, Inc., an Illinois corporation and transport company operating commercial vehicles hauling cargo and regulated commodities in interstate commerce (hereinafter "LINTRANS") and referred to herein as "Defendants", alleges and states as follows:

1. That on or about April 30, 2021 at I-44 near May Avenue west bound exit in Oklahoma City, Oklahoma, Oklahoma County, State of Oklahoma, Defendant, Macie Sobczak, was the driver of a 2020 semi-truck and trailer, which he operated in a negligent manner colliding into Plaintiffs' vehicles causing physical injury and property damage.

EXHIBIT 1

2. As a result of Defendant Sobczak's negligence, Plaintiffs were injured, suffered past, present and future mental and physical pain and suffering; temporary and permanent physical injuries, temporary and permanent physical limitations; incurred expenses for medical treatment and will incur future expenses for medical treatment and property damages; suffered lost quality of life and loss of income.

3. The collision and said injuries, losses and damages were the direct and proximate result of the carelessness and negligence of Defendant, Macie Sobczak, because Defendant Sobczak:

- a. failed to use ordinary care to prevent injuries to other persons;
- b. failed to exercise ordinary care in keeping a look out consistent with the safety of other vehicles and persons;
- c. failed to devote full time and attention to driving;
- d. failed to maintain a proper distance between his semi-truck and trailer and Plaintiffs' vehicles.

4. Plaintiff Erica Barrios Arreaga is obligated to pay all medical expenses incurred by J.S., a minor child, as a result of said collision.

5. Plaintiff Alexander Salvatierra is obligated to pay all medical expenses incurred by A.S., a minor child, and D.S., a minor child, as a result of said collision.

6. That at all times mentioned herein and at the time of the collision, Defendant, Macie Sobczak, was acting as the agent, servant and/or employee of Defendant LINTRANS and was within the scope and course of his employment and in furtherance of Defendant LINTRANS, Inc.'s interest.

WHEREFORE, premises considered, Plaintiffs pray judgment be rendered against Defendant, LINTRANS, Inc., and Defendant, Macie Sobczak, in an amount in excess of Seventy-Five Thousand Dollars and no/100s (\$75,000.00), plus interest, costs and attorney's fees along with any other relief this Court deems just and equitable.

SECOND CAUSE OF ACTION

COMES NOW the Plaintiffs, and for their second cause of action herein, incorporate the allegations set forth above and further assert:

7. At the time of the collision, Defendant, Macie Sobczak, was an agent, servant and/or employee of Defendant, LINTRANS, Inc., who is responsible for the actions of its agent, servant and/or employee.

8. That Defendant, LINTRANS, Inc., is an Illinois corporation operating commercial vehicles hauling both cargo and regulated commodities in interstate commerce including the State of Oklahoma, which is where the collision occurred.

9. That Defendant LINTRANS employed Defendant Sobczak to perform services, including and/or requiring but not limited to, training, licensures, certifications and/or qualifications for the use and/or operation of LINTRANS' semi-truck and trailer.

10. That at all times mentioned herein and at the time of the collision, Defendant, Macie Sobczak, was acting as the agent, servant and/or employee of Defendant LINTRANS and was within the scope and course of his employment and in furtherance of Defendant, LINTRANS, Inc.'s interest.

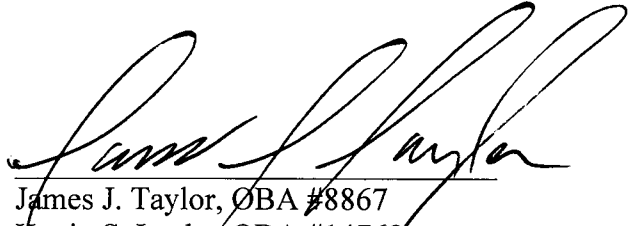
11. Defendant LINTRANS entrusted Defendant Sobczak, with the operation of its semi-tractor/trailer for use in performance of his duties as its agent, servant and/or employee and knew or should have known that Defendant Sobczak's negligent operation of its vehicle and said subsequent collision were likely cause injury to other persons.

12. The collision, injuries and harm were the direct and proximate result of the carelessness and negligence of Defendant, LINTRANS, Inc., because Defendant, LINTRANS, Inc., failed to properly train and/or supervise Defendant Sobczak.

13. The collision, injuries and harm were the direct and proximate result of the carelessness and negligence of Defendant, LINTRANS, Inc., because Defendant, LINTRANS, Inc., failed to properly service and maintain its semi-truck and trailer.

WHEREFORE, premises considered, Plaintiffs pray judgment be rendered against the Defendants, LINTRANS, INC., and Defendant, Macie Sobczak, in an amount in excess of Seventy-Five Thousand Dollars and no/100s (\$75,000.00), plus interest, costs and attorney's fees along with any other relief this Court deems just and equitable.

Respectfully Submitted,



James J. Taylor, OBA #8867

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